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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-55

13 JAMIE MICHELLE HADDOCK
14 8910 Cinnabor Court
15 Bakersfield, CA 93312

OAH No.

**DEFAULT DECISION
AND ORDER**

Registered Nurse License No. 599684

[Gov. Code, §11520]

Respondent.

16 FINDINGS OF FACT

17 1. On or about August 20, 2007, Complainant Ruth Ann Terry, M.P.H., R.N.,
18 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department
19 of Consumer Affairs, filed Accusation No. 2008-55 against Jamie Michelle Haddock
20 (Respondent) before the Board of Registered Nursing.

21 2. On or about May 23, 2002, the Board of Registered Nursing (Board)
22 issued Registered Nurse License No. 599684 to Respondent. The Registered Nurse License was
23 in full force and effect at all times relevant to the charges brought herein and expired on October
24 31, 2007.

25 3. On or about August 14, 2008, Anna Carpenter, an employee of the
26 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.
27 2008-55, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
28 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,

1 which was and is:

2 8910 Cinnabar Court
3 Bakersfield, CA 93312.

4 A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

5 4. Service of the Accusation was effective as a matter of law under the
6 provisions of Government Code section 11505, subdivision (c).

7 5. On or about September 19, 2008, the aforementioned documents were
8 returned by the U.S. Postal Service marked "Unclaimed."

9 6. Government Code section 11506 states, in pertinent part:

10 (c) The respondent shall be entitled to a hearing on the merits if the
11 respondent files a notice of defense, and the notice shall be deemed a specific
12 denial of all parts of the accusation not expressly admitted. Failure to file a notice
13 of defense shall constitute a waiver of respondent's right to a hearing, but the
14 agency in its discretion may nevertheless grant a hearing.

15 7. Respondent failed to file a Notice of Defense within 15 days after service
16 upon her of the Accusation, and therefore waived her right to a hearing on the merits of
17 Accusation No. 2008-55.

18 8. California Government Code section 11520 states, in pertinent part:

19 (a) If the respondent either fails to file a notice of defense or to appear at
20 the hearing, the agency may take action based upon the respondent's express
21 admissions or upon other evidence and affidavits may be used as evidence without
22 any notice to respondent.

23 9. Pursuant to its authority under Government Code section 11520, the Board
24 finds Respondent is in default. The Board will take action without further hearing and, based on
25 the evidence on file herein, finds that the allegations in Accusation No. 2008-55 are true.

26 10. The total cost for investigation and enforcement in connection with the
27 Accusation are \$5,207.25 as of July 21, 2009.

28 DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Jamie Michelle
Haddock has subjected her Registered Nurse License No. 599684 to discipline.

2. A copy of the Accusation is attached.

3. The agency has jurisdiction to adjudicate this case by default.

1 4. The Board of Registered Nursing is authorized to revoke Respondent's
2 Registered Nurse License based upon the following violations alleged in the Accusation:

3 a. Business and Professions Code section 2761, subdivision (a)(1),
4 unprofessional conduct as defined in section 2762, subdivision (e), for violating Health
5 and Safety Code section 11173, subdivision (b) - falsifying, making grossly incorrect,
6 inconsistent entries in hospital and/or patient records relating to controlled substances.

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25 50473052.wpd

26 DOJ docket number: LA2006600764

27 Attachment:

28 Exhibit A: Accusation No. 2008-55

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Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

It is so ORDERED November 30, 2009.

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Exhibit A
Accusation No. 2008-55

1 BILL LOCKYER, Attorney General
of the State of California
2 MICHAEL A. CACCIOTTI, State Bar No. 129533
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2932
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2008-55

12 JAMIE MICHELLE HADDOCK
9805 Battersea Park Drive
Bakersfield, CA 93312

A C C U S A T I O N

13 Registered Nurse License No. 599684

14 Respondent.

15
16 Complainant alleges:

17 PARTIES

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
20 Department of Consumer Affairs.

21 2. On or about May 23, 2002, the Board of Registered Nursing issued
22 Registered Nurse License No. 599684 to Jamie Michelle Haddock (Respondent). The
23 Registered Nurse License was in full force and effect at all times relevant to the charges brought
24 herein and will expire on October 31, 2007, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Registered Nursing
27 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

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1 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
2 injurious to himself or herself, any other person, or the public or to the extent that such use
3 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
4 license.

5
6 “(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible
7 entries in any hospital, patient, or other record pertaining to the substances described in
8 subdivision (a) of this section.”

9 8. Section 11173 of the Health and Safety Code states:

10 “(a) No person shall obtain or attempt to obtain controlled substances, or procure
11 or attempt to procure the administration of or prescription for controlled substances, (1) by fraud,
12 deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

13 “(b) No person shall make a false statement in any prescription, order, report, or
14 record, required by the division.

15 9. Section 125.3 of the Code provides, in pertinent part, that the Board may
16 request the administrative law judge to direct a licensee found to have committed a violation or
17 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
18 and enforcement of the case.

19 10. CONTROLLED SUBSTANCES

20 a. Ativan, a brand of lorazepam, a benzodiazepine derivative, is a Schedule
21 IV controlled substance as designated by Health and Safety Code section 11057(d)(13).

22 b. Dilaudid, brand name for hydromorphone hydrochloride, Opium
23 derivative, is a Schedule II controlled substance as designated by Health and Safety Code section
24 11055(b)(1)(k) and is categorized as a dangerous drug pursuant to section 4022 of the Code.

25 c.. Morphine/Morphine Sulfate, is a Schedule II controlled substance pursuant
26 to Health and Safety Code Section 11055(b)(1)(M) and a dangerous drug pursuant to section
27 4022 of the Code.

28 d.. Vicodin is a Schedule III controlled substance as defined in Health and

1 Safety Code section 11056(e)(4) and is categorized as a dangerous drugs according to section
2 4022 of the Code.

3 FIRST CAUSE FOR DISCIPLINE

4 (Falsified Hospital and/or Patient Records)

5 11. Respondent is subject to disciplinary action under section 2761
6 subdivision (a)(1) of the Code on the grounds of unprofessional conduct as defined in section
7 2762, subdivision (e), for violating Health and Safety Code section 11173, subdivision (b), in
8 that while on duty as a registered nurse at Mercy Hospital in Bakersfield, California, Respondent
9 falsified, made grossly incorrect, grossly inconsistent, or unintelligible entries in hospital and
10 patient records pertaining to controlled substances. The circumstances are as follows:

11 Patient #J12794673

12 a. On September 3, 2004, at 2040 hours, Respondent removed Dilaudid 2mg.
13 Injectable from the PYXIS, for patient J12794673, as noted in the patient's Activity Report.
14 Respondent failed to chart the administration of Dilaudid 2mg. Inj. in the patient's Medication
15 Administration Record (MAR) but documented in the Nurse's Notes that patient "requesting pain
16 meds." Respondent failed to record wastage or otherwise account for Dilaudid 2mg. Inj.
17 Physician orders on September 1, 2004 were for Dilaudid 2mg. IV every four hours for pain as
18 needed.

19 b. On or about September 3, 2004, at 2053 hours, Respondent removed
20 Ativan 2mg. Injectable from the PYXIS for patient J12794673, as noted in patient's Activity
21 Report. Respondent failed to chart the administration of Ativan 2mg. Inj. in the patient's MAR
22 and documented in the Nurse's Notes that patient "requesting pain meds." Respondent failed to
23 record wastage or otherwise account for Ativan 2mg. Inj. Physician orders on August 28, 2004
24 was Ativan 1mg. IV every 12 hours as needed.

25 c. On or about September 3, 2004, at 2234 hours, Respondent removed three
26 (3) Morphine 10mg. from the PYXIS for patient J12794673, as noted in patient's Activity
27 Report. Respondent charted the administration of Morphine 30mg. in the patient's MAR at 2330
28 hours, one hour after the removal of the drug and documented in the Nurse's Notes that patient

1 "requesting pain meds." The physician orders on September 2, 2004 was Morphine 30mg. every
2 2 hours as needed.

3 d. On or about September 4, 2004, at 2045 hours, Respondent removed three
4 (3) Morphine 10mg. from the PYXIS for patient J12794673, as noted in patient's Activity
5 Report. Respondent failed to chart the administration of Morphine 30mg. in the patient's MAR
6 and documented in the Nurse's Notes that patient "requesting pain meds." Respondent failed to
7 record wastage or otherwise account for Morphine 30mg. The physician's orders on September
8 2, 2004 was Morphine 30mg. every 2 hours as needed.

9 e. On or about September 4, 2004, at 2046 hours, Respondent removed
10 Dilaudid 2mg. Injectable from the PYXIS for patient J12794673, as noted in patient's Activity
11 Report. Respondent failed to chart the administration of Dilaudid 2mg. Inj. in the patient's MAR
12 and documented in the Nurse's Notes that patient "requesting pain meds." Respondent failed to
13 record wastage or otherwise account for Dilaudid 2mg. Inj. The physician's orders on
14 September 1, 2004 were Dilaudid 2mg. IV every four hours as needed.

15 **Patient J12618955**

16 f. On or about July 6, 2004, at 0901 hours, Respondent removed two (2)
17 Dilaudid 2mg. Injectable from the PYXIS for patient J12618955, as noted in patient's Activity
18 Report. Respondent failed to chart the administration of two Dilaudid 2mg. Inj. in the patient's
19 MAR and documented in the Nurse's Notes "Medicated as needed. See MAR." Respondent
20 failed to record wastage or otherwise account for Dilaudid 4mg. Inj. The physician's orders on
21 June 25, 2004 were for Dilaudid 3mg. IM every three hours as needed.

22 g. On or about July 6, 2004, at 1205 hours, Respondent removed two (2)
23 Dilaudid 2mg. Injectable from the PYXIS for patient J12618955, as noted in patient's Activity
24 Report. Respondent failed to chart the administration of two Dilaudid 2mg. Inj. in the patient
25 MAR and failed to document the administration in the Nurse's Notes. At 1205 hours, Dilaudid
26 3mg. was administered to patient J12618955 by another nurse. Respondent failed to record
27 wastage or otherwise account for Dilaudid 4mg. Inj. The physician's order on June 25, 2004
28 were for Dilaudid 3mg IM every three hours as needed.

1 h. On or about July 6, 2004, at 1512 hours, Respondent removed two (2)
2 Dilaudid 2mg. from the PYXIS for patient J12618955, as noted in patient's Activity Report.
3 Respondent charted the administration of Dilaudid 3mg. at 1520 hours in the patient's MAR but
4 failed to document the administration in the Nurse's Notes. Respondent failed to record wastage
5 or otherwise account for Dilaudid 1mg. The physician orders on June 25, 2004 were Dilaudid
6 3mg IM every three hours as needed.

7 i. On or about July 6, 2004, at 1808 hours, Respondent removed two (2)
8 Dilaudid 2mg. from the PYXIS for patient J12618955, as noted in patient's Activity Report.
9 Respondent charted the administration of Dilaudid 3mg in the patient's MAR but failed to
10 document the administration in the Nurse's Notes. Respondent failed to record wastage or
11 otherwise account for Dilaudid 1mg. The physician's orders on June 25, 2004 were Dilaudid
12 3mg. IM every three hours as needed for pain.

13 **Patient J12669990**

14 j. On or about July 16, 2004, at 1003 hours, Respondent removed Vicodin 1
15 tablet from the PYXIS for patient J12669990, as noted in patient's Activity Report. Respondent
16 failed to chart the administration of Vicodin 1 tablet in the patient's MAR and failed to document
17 the administration in the Nurse's Notes. Respondent failed to record wastage or otherwise
18 account for Vicodin 1 tablet. The physician's orders on July 15, 2004 were for Vicodin 1 tablet,
19 by mouth every 4 hours as needed for pain.

20 k. On or about July 17, 2004 at 0751 hours, Respondent removed Vicodin 1
21 tablet from the PYXIS for patient J12669990, as noted in the patient's Activity Report. On July
22 17, 2004 at 0800 hours, the administration of Vicodin 1 tablet was charted in the patient's MAR,
23 without any initials. Respondent failed to record wastage or otherwise account for Vicodin 1
24 tablet. At 0810 hours it was documented in the Nurse's Notes "c/o pain." The physician's
25 orders on July 15, 2004 were for Vicodin 1 tablet by mouth every four hours as needed for pain.

26 l. On or about July 17, 2004 at 0931 hours, Respondent removed Vicodin 2
27 tablets from the PYXIS for patient J12669990, as noted in the patient's Activity Report.
28 Respondent failed to chart the administration of Vicodin 2 tablets in the patient's MAR and

1 failed to document the administration in the Nurse's Notes. Respondent failed to record wastage
2 or otherwise account for Vicodin 2 tablets. The physician's orders on July 15, 2004 were for
3 Vicodin 1 tablet by mouth every four hours as needed for pain.

4 m. On or about July 18, 2004 at 1037 hours, Respondent removed Vicodin 1
5 tablet from the PYXIS for patient J12669990, as noted in the patient's Activity Report.
6 Respondent charted the administration of Vicodin 1 tablet at 1230 hours, 2 hours after the
7 removal of the medication, but failed to document the administration in the Nurse's Notes. The
8 physician's orders on July 15, 2004 were for Vicodin 1 tablet by mouth every four hours as
9 needed for pain.

10 n. On or about July 18, 2004 at 1411 hours, Respondent removed Dilaudid
11 2mg. Injectable from the PYXIS for patient J12669990, as noted in the patient's Activity Report.
12 Respondent charted the administration of Dilaudid at 1410 hours, but failed to chart the dosage
13 and failed to document the administration in the Nurse's Notes. Respondent failed to record
14 wastage or otherwise account for Dilaudid 2mg. Injectable. The physician's orders on July 18,
15 2004 were for Dilaudid 1-2mg. IV, every four to 6 hours as needed.

16 o. On or about July 18, 2004 at 1656 hours, Respondent removed Dilaudid
17 2mg. Injectable from the PYXIS for patient J12669990, as noted in the patient's Activity Report.
18 Respondent charted the administration of Dilaudid at 1800 hours, approximately one hour after
19 the removal of the medication, failed to chart the dosage and failed to document the
20 administration in the Nurse's Notes. The physician's orders on July 18, 2004 were for Dilaudid
21 1-2mg. IV, every four to six hours as needed.

22 PRAYER

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein
24 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 25 1. Revoking or suspending Registered Nurse License No. 599684, issued to
26 Jamie Michelle Haddock;
- 27 2. Ordering Jamie Michelle Haddock to pay the Board of Registered Nursing
28 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and

1 Professions Code section 125.3;

2 3. Taking such other and further action as deemed necessary and proper.

3 DATED: 8/20/07

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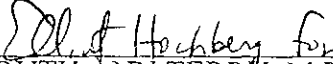
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RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant